

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA §
 §
v. § NO. 1:20CR79
 §
DEANDRE ROMERUS LIMBRICK (3) §

GOVERNMENT'S MOTION TO DISMISS INDICTMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the United States of America, by and through the United States Attorney for the Eastern District of Texas, and files this Motion to Dismiss the Indictment against the Defendant, Deandre Romerus Limbrick, pursuant to Fed. R. Crim.

P. 48(a), and would respectfully show unto the Court the following:

I. Proceedings

The defendant was indicted by a federal grand jury on September 17, 2020. On October 5, 2020, Limbrick was arraigned on that indictment and released on bond.

II. Motion to Dismiss

Based on a review of evidence the Government cannot prove an essential element of the crime charged against Mr. Limbrick. Therefore, in the interests of efficient prosecutorial and judicial resources, the government believes the indictment against this defendant should be dismissed, without prejudice, in the interest of justice.

Dismissal of the indictment without prejudice is appropriate if there is no

evidence of intentional misconduct or repeated violations of the Speedy Trial Act and where the offenses are serious. *United States v. Blevins*, 755 F.3d 312, 318 (5th Cir. 2014). The government knows of no actual prejudice the defendant would incur should subsequent indictment be necessary but the defendant can address that issue with the court at that time. *Id.*, at 318. A hearing on a dismissal without prejudice is generally not required if the court is familiar with the procedural history of the case, which is brief in this case, and does not need to articulate its reasons for a dismissal without prejudice. *United States v. Estate of Parsons*, 314 F.3d 745, 751 (5th Cir. 2002).

WHEREFORE, premises considered, the Government respectfully requests that this Honorable Court dismiss without prejudice the Indictment against the defendant, Deandre Romerus Limbrick.

Respectfully submitted,

NICHOLAD J. GANJEI
ACTING UNITED STATES ATTORNEY

/s/ Russell E. James

Russell E. James

Assistant U. S. Attorney

Eastern District of Texas

350 Magnolia, Suite 150, Beaumont, TX 77701

409/839-2538 or 409/839-2550 Fax

Texas Bar No. 24071416

Russell.James@usdoj.gov

CERTIFICATE OF CONFERENCE

I hereby certify that I have conferred with William Morian, counsel of record, on this the 22nd day of February, 2021.

/s/ Russell E. James

Russell E. James

Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been provided to the defendant, on this 22nd day of February 22, 2021, by electronic filing.

/s/ Russell E. James

Russell E. James

Assistant U.S. Attorney

